

## **2005 DRAFTING REQUEST**

### **Bill**

Received: **01/06/2005**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-8219**

By/Representing: **Fath**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **JK**

Submit via email: **NO**

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### **Pre Topic:**

DOA:.....Fath, BB0372 -

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### **Topic:**

Sharing health insurance data

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### **Instructions:**

See Attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 01/07/2005	kfollett 01/07/2005		_____			
/1			chaugen 01/10/2005	_____	sbasford 01/10/2005		
/2	pkahler 01/17/2005	kfollett 01/17/2005	pgreensl 01/18/2005	_____	sbasford 01/18/2005		
/3	pkahler 01/25/2005	wjackson 01/25/2005	jfrantze 01/26/2005	_____	mbarman 01/26/2005		

FE Sent For:

<END>

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/1			chaugen 01/10/2005	_____ _____	sbasford 01/10/2005		
/2	pkahler 01/17/2005	kfollett 01/17/2005	pgreensl 01/18/2005	_____ _____	sbasford 01/18/2005		

FE Sent For:

1/3 WJ 1/25

  
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/?	pkahler 01/07/2005	kfollett 01/07/2005					
/1		12 k/f 1/17	chaugen 01/10/2005	1/pk 1ch	sbasford 01/10/2005		
FE Sent For:							
<END>							

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/?	pkahler	11/8/05 117	ch 6-10	ch 6-10 pkahler			

FE Sent For:

**<END>**

2005-07

**2003-05 Budget Bill Statutory Language Drafting Request**

- Topic: Sharing of health insurance data between DHFS and DWD
- Tracking Code: BB 0372  
0372
- SBO team: Education
- SBO analyst: Erin Fath
  - Phone: 266-8219
  - Email: erin.fath@doa.state.wi.us
- Agency acronym: DWD
- Agency number: 445

**Date:** January 5, 2005  
**To:** Steve Miller  
**From:** Erin Fath  
**Subject:** Statutory Language Request

Sharing of Health Insurance Data between DHFS and DWD

Require the Dept. of Health and Family Services to share health care information with the Dept. of Workforce Development for the purposes of the medical support liability program under s.49.22. You can recreate the language change that was included in a budget draft from the 2003-05 biennial budget (LRB-0019/2).

Please make this change effective with the passage of the budget bill.

If you have any questions, please call me at 6-8219, or send me an email at [erin.fath@doa.state.wi.us](mailto:erin.fath@doa.state.wi.us).

Thank you.



State of Wisconsin  
2003-2004 LEGISLATURE  
2005-2006

1/10/05  
1/11

1525/1  
LRB-0019/2  
PJK:kmgrs  
kjf

DOA:.....Fath - BB0183, Require DHFS to share health care information with DWD

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

do not  
gen cat  
↓

1

AN ACT *to create* 49.475 (6) of the statutes; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHFS may request from health insurers information to enable DHFS to identify medical assistance beneficiaries who are eligible, or who would be eligible as dependents, for health insurance coverage. An insurer that receives a request must provide the information within a certain period of time. Under the bill, DHFS must provide any information that it receives from a health insurer to DWD. The two departments must agree on procedures to safeguard the confidentiality of the information.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 2           **SECTION 1.** 49.475 (6) of the statutes is created to read:
- 3           49.475 (6) SHARING INFORMATION. The department of health and family services
- 4           shall provide to the department of workforce development or a county child support



1 agency under s. 59.53 (5), for purposes of the medical support liability program under  
2 s. 49.22, any information that the department of health and family services receives  
3 under this section. The 2 departments shall agree on procedures and methods to  
4 adequately safeguard the confidentiality of the information provided under this  
5 subsection.

6 (END)

## Kahler, Pam

---

**From:** Fath, Erin  
**Sent:** Saturday, January 15, 2005 12:40 PM  
**To:** Kahler, Pam  
**Subject:** FW: LRB Draft: 05-1525/1 Sharing health insurance data



05-1525/1

Hi Pam,

We have a few changes for this draft:

- ✓ 1. Beginning on line 4 of the first page of the draft, delete "or a county child support agency under s. 59.53 (5),".
- ✓ 2. Delete the last sentence of the draft (page 2, lines 3-5). Replace with the following:  
"The department of workforce development may allow access to the information by local child-support agencies, subject to the data-sharing restrictions in s. 49.83, and shall consult the department of health and family services regarding procedures and methods to adequately safeguard the confidentiality of the information provided under this subsection."
- ✓ 3. We also ask to modify s. 49.83 to include the phrase "and medical liability support" (between the reference to child and spousal support and the reference to establishment of paternity). This is for the sake of consistency with s. 49.22.

The reason for the changes are the we want to make it clear that DHFS will share the information with DWD and DWD will in turn share it with the child support agencies (likely via the automated Kids Information Data System that child support agencies use and DWD maintains).

The use of the phrase "local child-support agencies", with no explicit reference to s. 59.53 (5), is intended to cover tribal child support agencies. We didn't think the tribal agencies would be covered under s. 59.53 (5). If you think we need to maintain the reference to s. 59.53 (5), then we just ask that there also be some reference in the draft to tribal-support agencies.

Thanks Pam!

-Erin

-----Original Message-----

**From:** Haugen, Caroline [mailto:Caroline.Haugen@legis.state.wi.us]  
**Sent:** Monday, January 10, 2005 12:59 PM  
**To:** Fath, Erin  
**Cc:** Hanle, Bob; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica  
**Subject:** LRB Draft: 05-1525/1 Sharing health insurance data

Following is the PDF version of draft 05-1525/1.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-1525/1

PJK:kjf/ch

rm is run

1/18 or  
1/19

DOA:.....Fath, BB0372 - Sharing health insurance data

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

D-note

do not  
gen cat

1 AN ACT...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHFS may request from health insurers information to enable DHFS to identify medical assistance beneficiaries who are eligible, or who would be eligible as dependents, for health insurance coverage. An insurer that receives a request must provide the information within a certain period of time. Under the bill, DHFS must provide any information that it receives from a health insurer to DWD. The two departments must agree on procedures to safeguard the confidentiality of the information.

Insert A

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Insert 1-2

2 SECTION 1. 49.475 (6) of the statutes is created to read:

3 49.475 (6) SHARING INFORMATION. The department of health and family services

4 shall provide to the department of workforce development or a county child support

1 agency under s. 59.53 (5), for purposes of the medical support liability program under  
2 s. 49.22, any information that the department of health and family services receives  
3 under this section. (The 2 departments shall agree on procedures and methods to  
4 adequately safeguard the confidentiality of the information provided under this  
5 subsection.

6

(END)

*Insert 2-5**D-note*

**2005-2006 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1525/2ins  
PJK:kjf:ch

**INSERT A**

→ <sup>not</sup> for purposes of DWD's program related to child and spousal support, paternity establishment, and medical support liability. DWD may allow county and tribal child support agencies access to the information, subject to use and disclosure restrictions under current law, and must consult with DHFS regarding

(END OF INSERT A)

**INSERT 1-2**

1           **SECTION 1.** 49.22 (1) of the statutes is amended to read:

2           49.22 (1) There is created a child and spousal support and establishment of  
3           paternity and medical ~~liability~~ support liability program in the department. The  
4           purpose of this program is to establish paternity when possible, to establish or modify  
5           support obligations, to enforce support obligations owed by parents to their children  
6           and maintenance obligations owed to spouses or former spouses with whom the  
7           children reside in this state or owed in other states if the support order was issued  
8           in this state or owed in other states if the parent, spouse, or former spouse resides  
9           in this state, to locate persons who are alleged to have taken their child in violation  
10          of s. 948.31 or of similar laws in other states, and to locate and value property of any  
11          person having a support duty. To accomplish the objectives of this program and of  
12          other assistance programs under this chapter, county and state agencies will  
13          cooperate with one another to implement a child and spousal support and paternity  
14          establishment and medical support liability program in accordance with state and

*ins 1-2 contd*

1 federal laws, regulations, and rules and to assure proper distribution of benefits of  
2 all assistance programs authorized under this chapter.

**History:** 1975 c. 82; 1977 c. 26, 29, 203, 418; 1979 c. 196, 221; 1981 c. 20, 93; 1983 a. 27; 1985 a. 29 ss. 861m to 866, 2390 to 2399; 1987 a. 27; 1987 a. 332 s. 64; 1987 a. 399, 403, 413; 1989 a. 31; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 ss. 2128m to 2134, 9126 (19), 9130 (4); 1995 a. 77, 187, 201, 225, 289; 1995 a. 404 ss. 39 to 43, 45, 46, 48, 173, 174; Stats. 1995 s. 49.22; 1997 a. 27, 105, 191, 237; 1999 a. 32; 2001 a. 16; 2003 a. 33.

(END OF INSERT 1-2)

**INSERT 2-3**

3 *not* The department of workforce development may allow a county child support  
4 agency under s. 59.53 (5) or a tribal child support agency access to the information,  
5 subject to the use and disclosure restrictions under s. 49.83, and shall consult with  
6 the department of health and family services regarding

(END OF INSERT 2-3)

**INSERT 2-5**

7 **SECTION 2.** 49.83 of the statutes is amended to read:

8 **49.83 Limitation on giving information.** Except as provided under s. 49.32  
9 (9), (10), and (10m), no person may use or disclose information concerning applicants  
10 and recipients of relief funded by a relief block grant, aid to families with dependent  
11 children, Wisconsin works Works under ss. 49.141 to 49.161, social services, child  
12 and spousal support and establishment of paternity and medical support liability  
13 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not  
14 connected with the administration of the programs. Any person violating this  
15 section may be fined not less than \$25 nor more than \$500 or imprisoned in the  
16 county jail not less than 10 days nor more than one year or both.

**History:** 1995 a. 27 ss. 3142, 3144; Stats. 1995 s. 49.83; 1995 a. 289, 361, 404; 1997 a. 35.

17 **SECTION 3.** 49.855 (6) of the statutes is amended to read:

18 49.855 (6) If the state implements the child and spousal support and  
19 establishment of paternity and medical support liability program under ss. 49.22

*Ins 2-5 cont'd*

1 and 59.53 (5), the state may act under this section in place of the county child support  
2 agency under s. 59.53 (5).

**History:** 1981 c. 20, 391; 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49.855; 1997 a. 3, 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 61, 105.

3 **SECTION 4 59.40 (2) (p)** of the statutes is amended to read:

4 59.40 (2) (p) Cooperate with the department of workforce development with  
5 respect to the child and spousal support and establishment of paternity and medical  
6 liability support liability program under ss. 49.22 and 59.53 (5), and provide that  
7 department with any information from court records which it requires to administer  
8 that program.

**History:** 1995 a. 27 ss. 3290, 3291; 1995 a. 201 ss. 311 to 318, 320 to 322, 325; 1995 a. 224 ss. 11 to 13; 1995 a. 227 s. 203; 1995 a. 279 s. 8; 1995 a. 404 s. 185; 1995 a. 438; 1995 a. 448 s. 61; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 3, 27; 1997 a. 35 ss. 185, 186; 1997 a. 39, 135, 148, 191, 237, 248, 252; 1999 a. 9, 32; 1999 a. 150 s. 672; 2001 a. 16, 56, 61, 105; 2003 a. 33, 139, 321, 326.

(END OF INSERT 2-5)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1525/2dn

PJK:kjfh

 Date

Erin:

Since DWD requested that s. 49.83 be "cleaned up" for consistency with s. 49.22, I amended a few other sections for consistency, also. I wasn't sure which was correct, "medical liability support" or "medical support liability," but the latter seemed more correct to me.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1525/2dn  
PJK:kjf:pg

January 18, 2005

Erin:

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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-1525/2

PJK:kjf:pg

revision  
+WLJ

DOA:.....Fath, BB0372 - Sharing health insurance data

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

D-note

do not  
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1 AN ACT relating to: the budget.

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2 SECTION 1. 49.22 (1) of the statutes is amended to read:

3 49.22 (1) There is created a child and spousal support and establishment of  
4 paternity and medical liability support liability program in the department. The

1 purpose of this program is to establish paternity when possible, to establish or modify  
2 support obligations, to enforce support obligations owed by parents to their children  
3 and maintenance obligations owed to spouses or former spouses with whom the  
4 children reside in this state or owed in other states if the support order was issued  
5 in this state or owed in other states if the parent, spouse, or former spouse resides  
6 in this state, to locate persons who are alleged to have taken their child in violation  
7 of s. 948.31 or of similar laws in other states, and to locate and value property of any  
8 person having a support duty. To accomplish the objectives of this program and of  
9 other assistance programs under this chapter, county and state agencies will  
10 cooperate with one another to implement a child and spousal support and paternity  
11 establishment and medical support liability program in accordance with state and  
12 federal laws, regulations, and rules and to assure proper distribution of benefits of  
13 all assistance programs authorized under this chapter.

14 **SECTION 2.** 49.475 (6) of the statutes is created to read:

15 49.475 (6) SHARING INFORMATION. The department of health and family services  
16 shall provide to the department of workforce development, for purposes of the  
17 medical support liability program under s. 49.22, any information that the  
18 department of health and family services receives under this section. The  
19 department of workforce development may allow a county child support agency  
20 under s. 59.53 (5) or a tribal child support agency access to the information, subject  
21 to the use and disclosure restrictions under s. 49.83, and shall consult with the  
22 department of health and family services regarding procedures and methods to  
23 adequately safeguard the confidentiality of the information provided under this  
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25 **SECTION 3.** 49.83 of the statutes is amended to read:

1           **49.83 Limitation on giving information.** Except as provided under s. 49.32  
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9           county jail not less than 10 days nor more than one year or both.

10           **SECTION 4.** 49.855 (6) of the statutes is amended to read:

11            49.855 (6) If the state implements the child and spousal support and  
12            establishment of paternity and medical support liability program under ss. 49.22  
13            and 59.53 (5), the state may act under this section in place of the county child support  
14            agency under s. 59.53 (5).

15           **SECTION 5.** 59.40 (2) (p) of the statutes is amended to read:

16           59.40 (2) (p) Cooperate with the department of workforce development with  
17       respect to the child and spousal support and establishment of paternity and medical  
18       liability support liability program under ss. 49.22 and 59.53 (5), and provide that  
19       department with any information from court records which it requires to administer  
20       that program.

21 (END)

Diste

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1525/3dn

PJK:kjf/pg

wj

Erin:

This draft reconciles LRB-0299 and LRB-1525 (with respect to s. 49.83). Both of these drafts should continue to appear in the compiled bill.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)

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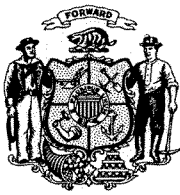
LRB-1525/3dn  
PJK:wlj:jf

January 26, 2005

Erin:

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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-1525/3

PJK:kjf:pg

DOA:.....Fath, BB0372 - Sharing health insurance data

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1     **AN ACT ...; relating to:** the budget.

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3 and maintenance obligations owed to spouses or former spouses with whom the  
4 children reside in this state or owed in other states if the support order was issued  
5 in this state or owed in other states if the parent, spouse, or former spouse resides  
6 in this state, to locate persons who are alleged to have taken their child in violation  
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11 establishment and medical support liability program in accordance with state and  
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21 to the use and disclosure restrictions under s. 49.83, and shall consult with the  
22 department of health and family services regarding procedures and methods to  
23 adequately safeguard the confidentiality of the information provided under this  
24 subsection.

25 **SECTION 3.** 49.855 (6) of the statutes is amended to read:



49.855 (6) If the state implements the child and spousal support and establishment of paternity and medical support liability program under ss. 49.22 and 59.53 (5), the state may act under this section in place of the county child support agency under s. 59.53 (5).

**SECTION 4.** 59.40 (2) (p) of the statutes is amended to read:

59.40 (2) (p) Cooperate with the department of workforce development with respect to the child and spousal support and establishment of paternity and medical ~~liability~~ support liability program under ss. 49.22 and 59.53 (5), and provide that department with any information from court records which it requires to administer that program.

**(END)**